

As Reported by the Senate Judiciary--Criminal Justice Committee

127th General Assembly

Regular Session

2007-2008

Sub. S. B. No. 220

Senator Schuring

—

A B I L L

To amend sections 2929.01, 2929.14, and 2929.24 and 1
to enact section 2941.1421 of the Revised Code to 2
authorize a court to impose an additional jail or 3
prison term on an offender convicted of any one of 4
certain prostitution, procuring, and soliciting 5
offenses and of a specification that the offense 6
was committed in proximity to a school and to 7
authorize the court to require the offender in 8
lieu of the additional prison or jail term to wear 9
a real-time processing, continual tracking 10
electronic monitoring device for a period of time 11
that the additional term could have been imposed. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2929.01, 2929.14, and 2929.24 be 13
amended and section 2941.1421 of the Revised Code be enacted to 14
read as follows: 15

Sec. 2929.01. As used in this chapter: 16

(A)(1) "Alternative residential facility" means, subject to 17
division (A)(2) of this section, any facility other than an 18
offender's home or residence in which an offender is assigned to 19
live and that satisfies all of the following criteria: 20

(a) It provides programs through which the offender may seek 21
or maintain employment or may receive education, training, 22
treatment, or habilitation. 23

(b) It has received the appropriate license or certificate 24
for any specialized education, training, treatment, habilitation, 25
or other service that it provides from the government agency that 26
is responsible for licensing or certifying that type of education, 27
training, treatment, habilitation, or service. 28

(2) "Alternative residential facility" does not include a 29
community-based correctional facility, jail, halfway house, or 30
prison. 31

(B) "Bad time" means the time by which the parole board 32
administratively extends an offender's stated prison term or terms 33
pursuant to section 2967.11 of the Revised Code because the parole 34
board finds by clear and convincing evidence that the offender, 35
while serving the prison term or terms, committed an act that is a 36
criminal offense under the law of this state or the United States, 37
whether or not the offender is prosecuted for the commission of 38
that act. 39

(C) "Basic probation supervision" means a requirement that 40
the offender maintain contact with a person appointed to supervise 41
the offender in accordance with sanctions imposed by the court or 42
imposed by the parole board pursuant to section 2967.28 of the 43
Revised Code. "Basic probation supervision" includes basic parole 44
supervision and basic post-release control supervision. 45

(D) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 46
"unit dose" have the same meanings as in section 2925.01 of the 47
Revised Code. 48

(E) "Community-based correctional facility" means a 49
community-based correctional facility and program or district 50
community-based correctional facility and program developed 51

pursuant to sections 2301.51 to 2301.58 of the Revised Code. 52

(F) "Community control sanction" means a sanction that is not 53
a prison term and that is described in section 2929.15, 2929.16, 54
2929.17, or 2929.18 of the Revised Code or a sanction that is not 55
a jail term and that is described in section 2929.26, 2929.27, or 56
2929.28 of the Revised Code. "Community control sanction" includes 57
probation if the sentence involved was imposed for a felony that 58
was committed prior to July 1, 1996, or if the sentence involved 59
was imposed for a misdemeanor that was committed prior to January 60
1, 2004. 61

(G) "Controlled substance," "marihuana," "schedule I," and 62
"schedule II" have the same meanings as in section 3719.01 of the 63
Revised Code. 64

(H) "Curfew" means a requirement that an offender during a 65
specified period of time be at a designated place. 66

(I) "Day reporting" means a sanction pursuant to which an 67
offender is required each day to report to and leave a center or 68
other approved reporting location at specified times in order to 69
participate in work, education or training, treatment, and other 70
approved programs at the center or outside the center. 71

(J) "Deadly weapon" has the same meaning as in section 72
2923.11 of the Revised Code. 73

(K) "Drug and alcohol use monitoring" means a program under 74
which an offender agrees to submit to random chemical analysis of 75
the offender's blood, breath, or urine to determine whether the 76
offender has ingested any alcohol or other drugs. 77

(L) "Drug treatment program" means any program under which a 78
person undergoes assessment and treatment designed to reduce or 79
completely eliminate the person's physical or emotional reliance 80
upon alcohol, another drug, or alcohol and another drug and under 81
which the person may be required to receive assessment and 82

treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(M) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(N) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or technical college or vocational study and also includes the completion of primary school, secondary school, and literacy curricula or their equivalent.

(O) "Firearm" has the same meaning as in section 2923.11 of the Revised Code.

(P) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders.

(Q) "House arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code and during which all of the following apply:

(1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as

authorized by the sentencing court or by the parole board. 114

(2) The offender is required to report periodically to a 115
person designated by the court or parole board. 116

(3) The offender is subject to any other restrictions and 117
requirements that may be imposed by the sentencing court or by the 118
parole board. 119

(R) "Intensive probation supervision" means a requirement 120
that an offender maintain frequent contact with a person appointed 121
by the court, or by the parole board pursuant to section 2967.28 122
of the Revised Code, to supervise the offender while the offender 123
is seeking or maintaining necessary employment and participating 124
in training, education, and treatment programs as required in the 125
court's or parole board's order. "Intensive probation supervision" 126
includes intensive parole supervision and intensive post-release 127
control supervision. 128

(S) "Jail" means a jail, workhouse, minimum security jail, or 129
other residential facility used for the confinement of alleged or 130
convicted offenders that is operated by a political subdivision or 131
a combination of political subdivisions of this state. 132

(T) "Jail term" means the term in a jail that a sentencing 133
court imposes or is authorized to impose pursuant to section 134
2929.24 or 2929.25 of the Revised Code or pursuant to any other 135
provision of the Revised Code that authorizes a term in a jail for 136
a misdemeanor conviction. 137

(U) "Mandatory jail term" means the term in a jail that a 138
sentencing court is required to impose pursuant to division (G) of 139
section 1547.99 of the Revised Code, division (E) of section 140
2903.06 or division (D) of section 2903.08 of the Revised Code, 141
division (E) of section 2929.24 of the Revised Code, division (B) 142
of section 4510.14 of the Revised Code, or division (G) of section 143
4511.19 of the Revised Code or pursuant to any other provision of 144

the Revised Code that requires a term in a jail for a misdemeanor conviction. 145
146

(V) "Delinquent child" has the same meaning as in section 147
2152.02 of the Revised Code. 148

(W) "License violation report" means a report that is made by 149
a sentencing court, or by the parole board pursuant to section 150
2967.28 of the Revised Code, to the regulatory or licensing board 151
or agency that issued an offender a professional license or a 152
license or permit to do business in this state and that specifies 153
that the offender has been convicted of or pleaded guilty to an 154
offense that may violate the conditions under which the offender's 155
professional license or license or permit to do business in this 156
state was granted or an offense for which the offender's 157
professional license or license or permit to do business in this 158
state may be revoked or suspended. 159

(X) "Major drug offender" means an offender who is convicted 160
of or pleads guilty to the possession of, sale of, or offer to 161
sell any drug, compound, mixture, preparation, or substance that 162
consists of or contains at least one thousand grams of hashish; at 163
least one hundred grams of crack cocaine; at least one thousand 164
grams of cocaine that is not crack cocaine; at least two thousand 165
five hundred unit doses or two hundred fifty grams of heroin; at 166
least five thousand unit doses of L.S.D. or five hundred grams of 167
L.S.D. in a liquid concentrate, liquid extract, or liquid 168
distillate form; or at least one hundred times the amount of any 169
other schedule I or II controlled substance other than marihuana 170
that is necessary to commit a felony of the third degree pursuant 171
to section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 172
Code that is based on the possession of, sale of, or offer to sell 173
the controlled substance. 174

(Y) "Mandatory prison term" means any of the following: 175

(1) Subject to division (Y)(2) of this section, the term in 176
prison that must be imposed for the offenses or circumstances set 177
forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 178
2929.13 and division (D) of section 2929.14 of the Revised Code. 179
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 180
and 2925.11 of the Revised Code, unless the maximum or another 181
specific term is required under section 2929.14 or 2929.142 of the 182
Revised Code, a mandatory prison term described in this division 183
may be any prison term authorized for the level of offense. 184

(2) The term of sixty or one hundred twenty days in prison 185
that a sentencing court is required to impose for a third or 186
fourth degree felony OVI offense pursuant to division (G)(2) of 187
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 188
of the Revised Code or the term of one, two, three, four, or five 189
years in prison that a sentencing court is required to impose 190
pursuant to division (G)(2) of section 2929.13 of the Revised 191
Code. 192

(3) The term in prison imposed pursuant to division (A) of 193
section 2971.03 of the Revised Code for the offenses and in the 194
circumstances described in division (F)(11) of section 2929.13 of 195
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 196
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 197
2971.03 of the Revised Code and that term as modified or 198
terminated pursuant to section 2971.05 of the Revised Code. 199

(Z) "Monitored time" means a period of time during which an 200
offender continues to be under the control of the sentencing court 201
or parole board, subject to no conditions other than leading a 202
law-abiding life. 203

(AA) "Offender" means a person who, in this state, is 204
convicted of or pleads guilty to a felony or a misdemeanor. 205

(BB) "Prison" means a residential facility used for the 206

confinement of convicted felony offenders that is under the 207
control of the department of rehabilitation and correction but 208
does not include a violation sanction center operated under 209
authority of section 2967.141 of the Revised Code. 210

(CC) "Prison term" includes any of the following sanctions 211
for an offender: 212

(1) A stated prison term; 213

(2) A term in a prison shortened by, or with the approval of, 214
the sentencing court pursuant to section 2929.20, 2967.26, 215
5120.031, 5120.032, or 5120.073 of the Revised Code; 216

(3) A term in prison extended by bad time imposed pursuant to 217
section 2967.11 of the Revised Code or imposed for a violation of 218
post-release control pursuant to section 2967.28 of the Revised 219
Code. 220

(DD) "Repeat violent offender" means a person about whom both 221
of the following apply: 222

(1) The person is being sentenced for committing or for 223
complicity in committing any of the following: 224

(a) Aggravated murder, murder, any felony of the first or 225
second degree that is an offense of violence, or an attempt to 226
commit any of these offenses if the attempt is a felony of the 227
first or second degree; 228

(b) An offense under an existing or former law of this state, 229
another state, or the United States that is or was substantially 230
equivalent to an offense described in division (DD)(1)(a) of this 231
section. 232

(2) The person previously was convicted of or pleaded guilty 233
to an offense described in division (DD)(1)(a) or (b) of this 234
section. 235

(EE) "Sanction" means any penalty imposed upon an offender 236

who is convicted of or pleads guilty to an offense, as punishment 237
for the offense. "Sanction" includes any sanction imposed pursuant 238
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 239
2929.28 of the Revised Code. 240

(FF) "Sentence" means the sanction or combination of 241
sanctions imposed by the sentencing court on an offender who is 242
convicted of or pleads guilty to an offense. 243

(GG) "Stated prison term" means the prison term, mandatory 244
prison term, or combination of all prison terms and mandatory 245
prison terms imposed by the sentencing court pursuant to section 246
2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated prison 247
term" includes any credit received by the offender for time spent 248
in jail awaiting trial, sentencing, or transfer to prison for the 249
offense and any time spent under house arrest or house arrest with 250
electronic monitoring imposed after earning credits pursuant to 251
section 2967.193 of the Revised Code. 252

(HH) "Victim-offender mediation" means a reconciliation or 253
mediation program that involves an offender and the victim of the 254
offense committed by the offender and that includes a meeting in 255
which the offender and the victim may discuss the offense, discuss 256
restitution, and consider other sanctions for the offense. 257

(II) "Fourth degree felony OVI offense" means a violation of 258
division (A) of section 4511.19 of the Revised Code that, under 259
division (G) of that section, is a felony of the fourth degree. 260

(JJ) "Mandatory term of local incarceration" means the term 261
of sixty or one hundred twenty days in a jail, a community-based 262
correctional facility, a halfway house, or an alternative 263
residential facility that a sentencing court may impose upon a 264
person who is convicted of or pleads guilty to a fourth degree 265
felony OVI offense pursuant to division (G)(1) of section 2929.13 266
of the Revised Code and division (G)(1)(d) or (e) of section 267

4511.19 of the Revised Code.	268
(KK) "Designated homicide, assault, or kidnapping offense,"	269
"violent sex offense," "sexual motivation specification,"	270
"sexually violent offense," "sexually violent predator," and	271
"sexually violent predator specification" have the same meanings	272
as in section 2971.01 of the Revised Code.	273
(LL) "Sexually oriented offense," "child-victim oriented	274
offense," and "tier III sex offender/child-victim offender," have	275
the same meanings as in section 2950.01 of the Revised Code.	276
(MM) An offense is "committed in the vicinity of a child" if	277
the offender commits the offense within thirty feet of or within	278
the same residential unit as a child who is under eighteen years	279
of age, regardless of whether the offender knows the age of the	280
child or whether the offender knows the offense is being committed	281
within thirty feet of or within the same residential unit as the	282
child and regardless of whether the child actually views the	283
commission of the offense.	284
(NN) "Family or household member" has the same meaning as in	285
section 2919.25 of the Revised Code.	286
(OO) "Motor vehicle" and "manufactured home" have the same	287
meanings as in section 4501.01 of the Revised Code.	288
(PP) "Detention" and "detention facility" have the same	289
meanings as in section 2921.01 of the Revised Code.	290
(QQ) "Third degree felony OVI offense" means a violation of	291
division (A) of section 4511.19 of the Revised Code that, under	292
division (G) of that section, is a felony of the third degree.	293
(RR) "Random drug testing" has the same meaning as in section	294
5120.63 of the Revised Code.	295
(SS) "Felony sex offense" has the same meaning as in section	296
2967.28 of the Revised Code.	297

(TT) "Body armor" has the same meaning as in section	298
2941.1411 of the Revised Code.	299
(UU) "Electronic monitoring" means monitoring through the use	300
of an electronic monitoring device.	301
(VV) "Electronic monitoring device" means any of the	302
following:	303
(1) Any device that can be operated by electrical or battery	304
power and that conforms with all of the following:	305
(a) The device has a transmitter that can be attached to a	306
person, that will transmit a specified signal to a receiver of the	307
type described in division (VV)(1)(b) of this section if the	308
transmitter is removed from the person, turned off, or altered in	309
any manner without prior court approval in relation to electronic	310
monitoring or without prior approval of the department of	311
rehabilitation and correction in relation to the use of an	312
electronic monitoring device for an inmate on transitional control	313
or otherwise is tampered with, that can transmit continuously and	314
periodically a signal to that receiver when the person is within a	315
specified distance from the receiver, and that can transmit an	316
appropriate signal to that receiver if the person to whom it is	317
attached travels a specified distance from that receiver.	318
(b) The device has a receiver that can receive continuously	319
the signals transmitted by a transmitter of the type described in	320
division (VV)(1)(a) of this section, can transmit continuously	321
those signals by telephone to a central monitoring computer of the	322
type described in division (VV)(1)(c) of this section, and can	323
transmit continuously an appropriate signal to that central	324
monitoring computer if the receiver is turned off or altered	325
without prior court approval or otherwise tampered with.	326
(c) The device has a central monitoring computer that can	327
receive continuously the signals transmitted by telephone by a	328

receiver of the type described in division (VV)(1)(b) of this 329
section and can monitor continuously the person to whom an 330
electronic monitoring device of the type described in division 331
(VV)(1)(a) of this section is attached. 332

(2) Any device that is not a device of the type described in 333
division (VV)(1) of this section and that conforms with all of the 334
following: 335

(a) The device includes a transmitter and receiver that can 336
monitor and determine the location of a subject person at any 337
time, or at a designated point in time, through the use of a 338
central monitoring computer or through other electronic means. 339

(b) The device includes a transmitter and receiver that can 340
determine at any time, or at a designated point in time, through 341
the use of a central monitoring computer or other electronic means 342
the fact that the transmitter is turned off or altered in any 343
manner without prior approval of the court in relation to the 344
electronic monitoring or without prior approval of the department 345
of rehabilitation and correction in relation to the use of an 346
electronic monitoring device for an inmate on transitional control 347
or otherwise is tampered with. 348

(3) Any type of technology that can adequately track or 349
determine the location of a subject person at any time and that is 350
approved by the director of rehabilitation and correction, 351
including, but not limited to, any satellite technology, voice 352
tracking system, or retinal scanning system that is so approved. 353

(WW) "Non-economic loss" means nonpecuniary harm suffered by 354
a victim of an offense as a result of or related to the commission 355
of the offense, including, but not limited to, pain and suffering; 356
loss of society, consortium, companionship, care, assistance, 357
attention, protection, advice, guidance, counsel, instruction, 358
training, or education; mental anguish; and any other intangible 359

loss. 360

(XX) "Prosecutor" has the same meaning as in section 2935.01 361
of the Revised Code. 362

(YY) "Continuous alcohol monitoring" means the ability to 363
automatically test and periodically transmit alcohol consumption 364
levels and tamper attempts at least every hour, regardless of the 365
location of the person who is being monitored. 366

(ZZ) A person is "adjudicated a sexually violent predator" if 367
the person is convicted of or pleads guilty to a violent sex 368
offense and also is convicted of or pleads guilty to a sexually 369
violent predator specification that was included in the 370
indictment, count in the indictment, or information charging that 371
violent sex offense or if the person is convicted of or pleads 372
guilty to a designated homicide, assault, or kidnapping offense 373
and also is convicted of or pleads guilty to both a sexual 374
motivation specification and a sexually violent predator 375
specification that were included in the indictment, count in the 376
indictment, or information charging that designated homicide, 377
assault, or kidnapping offense. 378

(AAA) An offense is "committed in proximity to a school" if 379
the offender commits the offense in a school safety zone or within 380
five hundred feet of any school building or the boundaries of any 381
school premises, regardless of whether the offender knows the 382
offense is being committed in a school safety zone or within five 383
hundred feet of any school building or the boundaries of any 384
school premises. 385

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 386
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), (I), (J), or (L) of 387
this section and except in relation to an offense for which a 388
sentence of death or life imprisonment is to be imposed, if the 389
court imposing a sentence upon an offender for a felony elects or 390

is required to impose a prison term on the offender pursuant to 391
this chapter, the court shall impose a definite prison term that 392
shall be one of the following: 393

(1) For a felony of the first degree, the prison term shall 394
be three, four, five, six, seven, eight, nine, or ten years. 395

(2) For a felony of the second degree, the prison term shall 396
be two, three, four, five, six, seven, or eight years. 397

(3) For a felony of the third degree, the prison term shall 398
be one, two, three, four, or five years. 399

(4) For a felony of the fourth degree, the prison term shall 400
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 401
fourteen, fifteen, sixteen, seventeen, or eighteen months. 402

(5) For a felony of the fifth degree, the prison term shall 403
be six, seven, eight, nine, ten, eleven, or twelve months. 404

(B) Except as provided in division (C), (D)(1), (D)(2), 405
(D)(3), (D)(5), (D)(6), (G), (I), (J), or (L) of this section, in 406
section 2907.02 or 2907.05 of the Revised Code, or in Chapter 407
2925. of the Revised Code, if the court imposing a sentence upon 408
an offender for a felony elects or is required to impose a prison 409
term on the offender, the court shall impose the shortest prison 410
term authorized for the offense pursuant to division (A) of this 411
section, unless one or more of the following applies: 412

(1) The offender was serving a prison term at the time of the 413
offense, or the offender previously had served a prison term. 414

(2) The court finds on the record that the shortest prison 415
term will demean the seriousness of the offender's conduct or will 416
not adequately protect the public from future crime by the 417
offender or others. 418

(C) Except as provided in division (G) or (L) of this section 419
or in Chapter 2925. of the Revised Code, the court imposing a 420

sentence upon an offender for a felony may impose the longest 421
prison term authorized for the offense pursuant to division (A) of 422
this section only upon offenders who committed the worst forms of 423
the offense, upon offenders who pose the greatest likelihood of 424
committing future crimes, upon certain major drug offenders under 425
division (D)(3) of this section, and upon certain repeat violent 426
offenders in accordance with division (D)(2) of this section. 427

(D)(1)(a) Except as provided in division (D)(1)(e) of this 428
section, if an offender who is convicted of or pleads guilty to a 429
felony also is convicted of or pleads guilty to a specification of 430
the type described in section 2941.141, 2941.144, or 2941.145 of 431
the Revised Code, the court shall impose on the offender one of 432
the following prison terms: 433

(i) A prison term of six years if the specification is of the 434
type described in section 2941.144 of the Revised Code that 435
charges the offender with having a firearm that is an automatic 436
firearm or that was equipped with a firearm muffler or silencer on 437
or about the offender's person or under the offender's control 438
while committing the felony; 439

(ii) A prison term of three years if the specification is of 440
the type described in section 2941.145 of the Revised Code that 441
charges the offender with having a firearm on or about the 442
offender's person or under the offender's control while committing 443
the offense and displaying the firearm, brandishing the firearm, 444
indicating that the offender possessed the firearm, or using it to 445
facilitate the offense; 446

(iii) A prison term of one year if the specification is of 447
the type described in section 2941.141 of the Revised Code that 448
charges the offender with having a firearm on or about the 449
offender's person or under the offender's control while committing 450
the felony. 451

(b) If a court imposes a prison term on an offender under 452
division (D)(1)(a) of this section, the prison term shall not be 453
reduced pursuant to section 2929.20, section 2967.193, or any 454
other provision of Chapter 2967. or Chapter 5120. of the Revised 455
Code. A court shall not impose more than one prison term on an 456
offender under division (D)(1)(a) of this section for felonies 457
committed as part of the same act or transaction. 458

(c) Except as provided in division (D)(1)(e) of this section, 459
if an offender who is convicted of or pleads guilty to a violation 460
of section 2923.161 of the Revised Code or to a felony that 461
includes, as an essential element, purposely or knowingly causing 462
or attempting to cause the death of or physical harm to another, 463
also is convicted of or pleads guilty to a specification of the 464
type described in section 2941.146 of the Revised Code that 465
charges the offender with committing the offense by discharging a 466
firearm from a motor vehicle other than a manufactured home, the 467
court, after imposing a prison term on the offender for the 468
violation of section 2923.161 of the Revised Code or for the other 469
felony offense under division (A), (D)(2), or (D)(3) of this 470
section, shall impose an additional prison term of five years upon 471
the offender that shall not be reduced pursuant to section 472
2929.20, section 2967.193, or any other provision of Chapter 2967. 473
or Chapter 5120. of the Revised Code. A court shall not impose 474
more than one additional prison term on an offender under division 475
(D)(1)(c) of this section for felonies committed as part of the 476
same act or transaction. If a court imposes an additional prison 477
term on an offender under division (D)(1)(c) of this section 478
relative to an offense, the court also shall impose a prison term 479
under division (D)(1)(a) of this section relative to the same 480
offense, provided the criteria specified in that division for 481
imposing an additional prison term are satisfied relative to the 482
offender and the offense. 483

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender a prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (D)(1)(d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (D)(1)(a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (D)(1)(d) of this section.

(e) The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (D)(1)(a) of this section or any of the additional prison terms described in division (D)(1)(c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of aggravated murder, murder, or any felony of the first or second degree.

(ii) Less than five years have passed since the offender was released from prison or post-release control, whichever is later, for the prior offense.

(f) If an offender is convicted of or pleads guilty to a felony that includes, as an essential element, causing or

attempting to cause the death of or physical harm to another and 516
also is convicted of or pleads guilty to a specification of the 517
type described in section 2941.1412 of the Revised Code that 518
charges the offender with committing the offense by discharging a 519
firearm at a peace officer as defined in section 2935.01 of the 520
Revised Code or a corrections officer, as defined in section 521
2941.1412 of the Revised Code, the court, after imposing a prison 522
term on the offender for the felony offense under division (A), 523
(D)(2), or (D)(3) of this section, shall impose an additional 524
prison term of seven years upon the offender that shall not be 525
reduced pursuant to section 2929.20, section 2967.193, or any 526
other provision of Chapter 2967. or Chapter 5120. of the Revised 527
Code. A court shall not impose more than one additional prison 528
term on an offender under division (D)(1)(f) of this section for 529
felonies committed as part of the same act or transaction. If a 530
court imposes an additional prison term on an offender under 531
division (D)(1)(f) of this section relative to an offense, the 532
court shall not impose a prison term under division (D)(1)(a) or 533
(c) of this section relative to the same offense. 534

(2)(a) If division (D)(2)(b) of this section does not apply, 535
the court may impose on an offender, in addition to the longest 536
prison term authorized or required for the offense, an additional 537
definite prison term of one, two, three, four, five, six, seven, 538
eight, nine, or ten years if all of the following criteria are 539
met: 540

(i) The offender is convicted of or pleads guilty to a 541
specification of the type described in section 2941.149 of the 542
Revised Code that the offender is a repeat violent offender. 543

(ii) The offense of which the offender currently is convicted 544
or to which the offender currently pleads guilty is aggravated 545
murder and the court does not impose a sentence of death or life 546
imprisonment without parole, murder, terrorism and the court does 547

not impose a sentence of life imprisonment without parole, any 548
felony of the first degree that is an offense of violence and the 549
court does not impose a sentence of life imprisonment without 550
parole, or any felony of the second degree that is an offense of 551
violence and the trier of fact finds that the offense involved an 552
attempt to cause or a threat to cause serious physical harm to a 553
person or resulted in serious physical harm to a person. 554

(iii) The court imposes the longest prison term for the 555
offense that is not life imprisonment without parole. 556

(iv) The court finds that the prison terms imposed pursuant 557
to division (D)(2)(a)(iii) of this section and, if applicable, 558
division (D)(1) or (3) of this section are inadequate to punish 559
the offender and protect the public from future crime, because the 560
applicable factors under section 2929.12 of the Revised Code 561
indicating a greater likelihood of recidivism outweigh the 562
applicable factors under that section indicating a lesser 563
likelihood of recidivism. 564

(v) The court finds that the prison terms imposed pursuant to 565
division (D)(2)(a)(iii) of this section and, if applicable, 566
division (D)(1) or (3) of this section are demeaning to the 567
seriousness of the offense, because one or more of the factors 568
under section 2929.12 of the Revised Code indicating that the 569
offender's conduct is more serious than conduct normally 570
constituting the offense are present, and they outweigh the 571
applicable factors under that section indicating that the 572
offender's conduct is less serious than conduct normally 573
constituting the offense. 574

(b) The court shall impose on an offender the longest prison 575
term authorized or required for the offense and shall impose on 576
the offender an additional definite prison term of one, two, 577
three, four, five, six, seven, eight, nine, or ten years if all of 578
the following criteria are met: 579

(i) The offender is convicted of or pleads guilty to a 580
specification of the type described in section 2941.149 of the 581
Revised Code that the offender is a repeat violent offender. 582

(ii) The offender within the preceding twenty years has been 583
convicted of or pleaded guilty to three or more offenses described 584
in division (DD)(1) of section 2929.01 of the Revised Code, 585
including all offenses described in that division of which the 586
offender is convicted or to which the offender pleads guilty in 587
the current prosecution and all offenses described in that 588
division of which the offender previously has been convicted or to 589
which the offender previously pleaded guilty, whether prosecuted 590
together or separately. 591

(iii) The offense or offenses of which the offender currently 592
is convicted or to which the offender currently pleads guilty is 593
aggravated murder and the court does not impose a sentence of 594
death or life imprisonment without parole, murder, terrorism and 595
the court does not impose a sentence of life imprisonment without 596
parole, any felony of the first degree that is an offense of 597
violence and the court does not impose a sentence of life 598
imprisonment without parole, or any felony of the second degree 599
that is an offense of violence and the trier of fact finds that 600
the offense involved an attempt to cause or a threat to cause 601
serious physical harm to a person or resulted in serious physical 602
harm to a person. 603

(c) For purposes of division (D)(2)(b) of this section, two 604
or more offenses committed at the same time or as part of the same 605
act or event shall be considered one offense, and that one offense 606
shall be the offense with the greatest penalty. 607

(d) A sentence imposed under division (D)(2)(a) or (b) of 608
this section shall not be reduced pursuant to section 2929.20 or 609
section 2967.193, or any other provision of Chapter 2967. or 610
Chapter 5120. of the Revised Code. The offender shall serve an 611

additional prison term imposed under this section consecutively to 612
and prior to the prison term imposed for the underlying offense. 613

(e) When imposing a sentence pursuant to division (D)(2)(a) 614
or (b) of this section, the court shall state its findings 615
explaining the imposed sentence. 616

(3)(a) Except when an offender commits a violation of section 617
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 618
the violation is life imprisonment or commits a violation of 619
section 2903.02 of the Revised Code, if the offender commits a 620
violation of section 2925.03 or 2925.11 of the Revised Code and 621
that section classifies the offender as a major drug offender and 622
requires the imposition of a ten-year prison term on the offender, 623
if the offender commits a felony violation of section 2925.02, 624
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 625
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 626
division (C) of section 4729.51, or division (J) of section 627
4729.54 of the Revised Code that includes the sale, offer to sell, 628
or possession of a schedule I or II controlled substance, with the 629
exception of marihuana, and the court imposing sentence upon the 630
offender finds that the offender is guilty of a specification of 631
the type described in section 2941.1410 of the Revised Code 632
charging that the offender is a major drug offender, if the court 633
imposing sentence upon an offender for a felony finds that the 634
offender is guilty of corrupt activity with the most serious 635
offense in the pattern of corrupt activity being a felony of the 636
first degree, or if the offender is guilty of an attempted 637
violation of section 2907.02 of the Revised Code and, had the 638
offender completed the violation of section 2907.02 of the Revised 639
Code that was attempted, the offender would have been subject to a 640
sentence of life imprisonment or life imprisonment without parole 641
for the violation of section 2907.02 of the Revised Code, the 642
court shall impose upon the offender for the felony violation a 643

ten-year prison term that cannot be reduced pursuant to section 644
2929.20 or Chapter 2967. or 5120. of the Revised Code. 645

(b) The court imposing a prison term on an offender under 646
division (D)(3)(a) of this section may impose an additional prison 647
term of one, two, three, four, five, six, seven, eight, nine, or 648
ten years, if the court, with respect to the term imposed under 649
division (D)(3)(a) of this section and, if applicable, divisions 650
(D)(1) and (2) of this section, makes both of the findings set 651
forth in divisions (D)(2)(a)(iv) and (v) of this section. 652

(4) If the offender is being sentenced for a third or fourth 653
degree felony OVI offense under division (G)(2) of section 2929.13 654
of the Revised Code, the sentencing court shall impose upon the 655
offender a mandatory prison term in accordance with that division. 656
In addition to the mandatory prison term, if the offender is being 657
sentenced for a fourth degree felony OVI offense, the court, 658
notwithstanding division (A)(4) of this section, may sentence the 659
offender to a definite prison term of not less than six months and 660
not more than thirty months, and if the offender is being 661
sentenced for a third degree felony OVI offense, the sentencing 662
court may sentence the offender to an additional prison term of 663
any duration specified in division (A)(3) of this section. In 664
either case, the additional prison term imposed shall be reduced 665
by the sixty or one hundred twenty days imposed upon the offender 666
as the mandatory prison term. The total of the additional prison 667
term imposed under division (D)(4) of this section plus the sixty 668
or one hundred twenty days imposed as the mandatory prison term 669
shall equal a definite term in the range of six months to thirty 670
months for a fourth degree felony OVI offense and shall equal one 671
of the authorized prison terms specified in division (A)(3) of 672
this section for a third degree felony OVI offense. If the court 673
imposes an additional prison term under division (D)(4) of this 674
section, the offender shall serve the additional prison term after 675

the offender has served the mandatory prison term required for the 676
offense. In addition to the mandatory prison term or mandatory and 677
additional prison term imposed as described in division (D)(4) of 678
this section, the court also may sentence the offender to a 679
community control sanction under section 2929.16 or 2929.17 of the 680
Revised Code, but the offender shall serve all of the prison terms 681
so imposed prior to serving the community control sanction. 682

If the offender is being sentenced for a fourth degree felony 683
OVI offense under division (G)(1) of section 2929.13 of the 684
Revised Code and the court imposes a mandatory term of local 685
incarceration, the court may impose a prison term as described in 686
division (A)(1) of that section. 687

(5) If an offender is convicted of or pleads guilty to a 688
violation of division (A)(1) or (2) of section 2903.06 of the 689
Revised Code and also is convicted of or pleads guilty to a 690
specification of the type described in section 2941.1414 of the 691
Revised Code that charges that the victim of the offense is a 692
peace officer, as defined in section 2935.01 of the Revised Code, 693
or an investigator of the bureau of criminal identification and 694
investigation, as defined in section 2903.11 of the Revised Code, 695
the court shall impose on the offender a prison term of five 696
years. If a court imposes a prison term on an offender under 697
division (D)(5) of this section, the prison term shall not be 698
reduced pursuant to section 2929.20, section 2967.193, or any 699
other provision of Chapter 2967. or Chapter 5120. of the Revised 700
Code. A court shall not impose more than one prison term on an 701
offender under division (D)(5) of this section for felonies 702
committed as part of the same act. 703

(6) If an offender is convicted of or pleads guilty to a 704
violation of division (A)(1) or (2) of section 2903.06 of the 705
Revised Code and also is convicted of or pleads guilty to a 706
specification of the type described in section 2941.1415 of the 707

Revised Code that charges that the offender previously has been 708
convicted of or pleaded guilty to three or more violations of 709
division (A) or (B) of section 4511.19 of the Revised Code or an 710
equivalent offense, as defined in section 2941.1415 of the Revised 711
Code, or three or more violations of any combination of those 712
divisions and offenses, the court shall impose on the offender a 713
prison term of three years. If a court imposes a prison term on an 714
offender under division (D)(6) of this section, the prison term 715
shall not be reduced pursuant to section 2929.20, section 716
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 717
of the Revised Code. A court shall not impose more than one prison 718
term on an offender under division (D)(6) of this section for 719
felonies committed as part of the same act. 720

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 721
mandatory prison term is imposed upon an offender pursuant to 722
division (D)(1)(a) of this section for having a firearm on or 723
about the offender's person or under the offender's control while 724
committing a felony, if a mandatory prison term is imposed upon an 725
offender pursuant to division (D)(1)(c) of this section for 726
committing a felony specified in that division by discharging a 727
firearm from a motor vehicle, or if both types of mandatory prison 728
terms are imposed, the offender shall serve any mandatory prison 729
term imposed under either division consecutively to any other 730
mandatory prison term imposed under either division or under 731
division (D)(1)(d) of this section, consecutively to and prior to 732
any prison term imposed for the underlying felony pursuant to 733
division (A), (D)(2), or (D)(3) of this section or any other 734
section of the Revised Code, and consecutively to any other prison 735
term or mandatory prison term previously or subsequently imposed 736
upon the offender. 737

(b) If a mandatory prison term is imposed upon an offender 738
pursuant to division (D)(1)(d) of this section for wearing or 739

carrying body armor while committing an offense of violence that 740
is a felony, the offender shall serve the mandatory term so 741
imposed consecutively to any other mandatory prison term imposed 742
under that division or under division (D)(1)(a) or (c) of this 743
section, consecutively to and prior to any prison term imposed for 744
the underlying felony under division (A), (D)(2), or (D)(3) of 745
this section or any other section of the Revised Code, and 746
consecutively to any other prison term or mandatory prison term 747
previously or subsequently imposed upon the offender. 748

(c) If a mandatory prison term is imposed upon an offender 749
pursuant to division (D)(1)(f) of this section, the offender shall 750
serve the mandatory prison term so imposed consecutively to and 751
prior to any prison term imposed for the underlying felony under 752
division (A), (D)(2), or (D)(3) of this section or any other 753
section of the Revised Code, and consecutively to any other prison 754
term or mandatory prison term previously or subsequently imposed 755
upon the offender. 756

(2) If an offender who is an inmate in a jail, prison, or 757
other residential detention facility violates section 2917.02, 758
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 759
who is under detention at a detention facility commits a felony 760
violation of section 2923.131 of the Revised Code, or if an 761
offender who is an inmate in a jail, prison, or other residential 762
detention facility or is under detention at a detention facility 763
commits another felony while the offender is an escapee in 764
violation of section 2921.34 of the Revised Code, any prison term 765
imposed upon the offender for one of those violations shall be 766
served by the offender consecutively to the prison term or term of 767
imprisonment the offender was serving when the offender committed 768
that offense and to any other prison term previously or 769
subsequently imposed upon the offender. 770

(3) If a prison term is imposed for a violation of division 771

(B) of section 2911.01 of the Revised Code, a violation of 772
division (A) of section 2913.02 of the Revised Code in which the 773
stolen property is a firearm or dangerous ordnance, or a felony 774
violation of division (B) of section 2921.331 of the Revised Code, 775
the offender shall serve that prison term consecutively to any 776
other prison term or mandatory prison term previously or 777
subsequently imposed upon the offender. 778

(4) If multiple prison terms are imposed on an offender for 779
convictions of multiple offenses, the court may require the 780
offender to serve the prison terms consecutively if the court 781
finds that the consecutive service is necessary to protect the 782
public from future crime or to punish the offender and that 783
consecutive sentences are not disproportionate to the seriousness 784
of the offender's conduct and to the danger the offender poses to 785
the public, and if the court also finds any of the following: 786

(a) The offender committed one or more of the multiple 787
offenses while the offender was awaiting trial or sentencing, was 788
under a sanction imposed pursuant to section 2929.16, 2929.17, or 789
2929.18 of the Revised Code, or was under post-release control for 790
a prior offense. 791

(b) At least two of the multiple offenses were committed as 792
part of one or more courses of conduct, and the harm caused by two 793
or more of the multiple offenses so committed was so great or 794
unusual that no single prison term for any of the offenses 795
committed as part of any of the courses of conduct adequately 796
reflects the seriousness of the offender's conduct. 797

(c) The offender's history of criminal conduct demonstrates 798
that consecutive sentences are necessary to protect the public 799
from future crime by the offender. 800

(5) If a mandatory prison term is imposed upon an offender 801
pursuant to division (D)(5) or (6) of this section, the offender 802

shall serve the mandatory prison term consecutively to and prior 803
to any prison term imposed for the underlying violation of 804
division (A)(1) or (2) of section 2903.06 of the Revised Code 805
pursuant to division (A) of this section or section 2929.142 of 806
the Revised Code. If a mandatory prison term is imposed upon an 807
offender pursuant to division (D)(5) of this section, and if a 808
mandatory prison term also is imposed upon the offender pursuant 809
to division (D)(6) of this section in relation to the same 810
violation, the offender shall serve the mandatory prison term 811
imposed pursuant to division (D)(5) of this section consecutively 812
to and prior to the mandatory prison term imposed pursuant to 813
division (D)(6) of this section and consecutively to and prior to 814
any prison term imposed for the underlying violation of division 815
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 816
division (A) of this section or section 2929.142 of the Revised 817
Code. 818

(6) When consecutive prison terms are imposed pursuant to 819
division (E)(1), (2), (3), (4), or (5) or division (J)(1) or (2) 820
of this section, the term to be served is the aggregate of all of 821
the terms so imposed. 822

(F)(1) If a court imposes a prison term for a felony of the 823
first degree, for a felony of the second degree, for a felony sex 824
offense, or for a felony of the third degree that is not a felony 825
sex offense and in the commission of which the offender caused or 826
threatened to cause physical harm to a person, it shall include in 827
the sentence a requirement that the offender be subject to a 828
period of post-release control after the offender's release from 829
imprisonment, in accordance with that division. If a court imposes 830
a sentence including a prison term of a type described in this 831
division on or after July 11, 2006, the failure of a court to 832
include a post-release control requirement in the sentence 833
pursuant to this division does not negate, limit, or otherwise 834

affect the mandatory period of post-release control that is 835
required for the offender under division (B) of section 2967.28 of 836
the Revised Code. Section 2929.191 of the Revised Code applies if, 837
prior to July 11, 2006, a court imposed a sentence including a 838
prison term of a type described in this division and failed to 839
include in the sentence pursuant to this division a statement 840
regarding post-release control. 841

(2) If a court imposes a prison term for a felony of the 842
third, fourth, or fifth degree that is not subject to division 843
(F)(1) of this section, it shall include in the sentence a 844
requirement that the offender be subject to a period of 845
post-release control after the offender's release from 846
imprisonment, in accordance with that division, if the parole 847
board determines that a period of post-release control is 848
necessary. Section 2929.191 of the Revised Code applies if, prior 849
to July 11, 2006, a court imposed a sentence including a prison 850
term of a type described in this division and failed to include in 851
the sentence pursuant to this division a statement regarding 852
post-release control. 853

(G) The court shall impose sentence upon the offender in 854
accordance with section 2971.03 of the Revised Code, and Chapter 855
2971. of the Revised Code applies regarding the prison term or 856
term of life imprisonment without parole imposed upon the offender 857
and the service of that term of imprisonment if any of the 858
following apply: 859

(1) A person is convicted of or pleads guilty to a violent 860
sex offense or a designated homicide, assault, or kidnapping 861
offense, and, in relation to that offense, the offender is 862
adjudicated a sexually violent predator. 863

(2) A person is convicted of or pleads guilty to a violation 864
of division (A)(1)(b) of section 2907.02 of the Revised Code 865
committed on or after January 2, 2007, and either the court does 866

not impose a sentence of life without parole when authorized 867
pursuant to division (B) of section 2907.02 of the Revised Code, 868
or division (B) of section 2907.02 of the Revised Code provides 869
that the court shall not sentence the offender pursuant to section 870
2971.03 of the Revised Code. 871

(3) A person is convicted of or pleads guilty to attempted 872
rape committed on or after January 2, 2007, and a specification of 873
the type described in section 2941.1418, 2941.1419, or 2941.1420 874
of the Revised Code. 875

(4) A person is convicted of or pleads guilty to a violation 876
of section 2905.01 of the Revised Code committed on or after ~~the~~ 877
~~effective date of this amendment~~ January 1, 2008, and that section 878
requires the court to sentence the offender pursuant to section 879
2971.03 of the Revised Code. 880

(5) A person is convicted of or pleads guilty to aggravated 881
murder committed on or after ~~the effective date of this amendment~~ 882
January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, 883
division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), 884
(D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or 885
(B) of section 2929.06 of the Revised Code requires the court to 886
sentence the offender pursuant to division (B)(3) of section 887
2971.03 of the Revised Code. 888

(6) A person is convicted of or pleads guilty to murder 889
committed on or after ~~the effective date of this amendment~~ January 890
1, 2008, and division (B)(2) of section 2929.02 of the Revised 891
Code requires the court to sentence the offender pursuant to 892
section 2971.03 of the Revised Code. 893

(H) If a person who has been convicted of or pleaded guilty 894
to a felony is sentenced to a prison term or term of imprisonment 895
under this section, sections 2929.02 to 2929.06 of the Revised 896
Code, section 2929.142 of the Revised Code, section 2971.03 of the 897

Revised Code, or any other provision of law, section 5120.163 of 898
the Revised Code applies regarding the person while the person is 899
confined in a state correctional institution. 900

(I) If an offender who is convicted of or pleads guilty to a 901
felony that is an offense of violence also is convicted of or 902
pleads guilty to a specification of the type described in section 903
2941.142 of the Revised Code that charges the offender with having 904
committed the felony while participating in a criminal gang, the 905
court shall impose upon the offender an additional prison term of 906
one, two, or three years. 907

(J)(1) If an offender who is convicted of or pleads guilty to 908
aggravated murder, murder, or a felony of the first, second, or 909
third degree that is an offense of violence also is convicted of 910
or pleads guilty to a specification of the type described in 911
section 2941.143 of the Revised Code that charges the offender 912
with having committed the offense in a school safety zone or 913
towards a person in a school safety zone, the court shall impose 914
upon the offender an additional prison term of two years. The 915
offender shall serve the additional two years consecutively to and 916
prior to the prison term imposed for the underlying offense. 917

(2)(a) If an offender is convicted of or pleads guilty to a 918
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 919
of the Revised Code and to a specification of the type described 920
in section 2941.1421 of the Revised Code and if the court imposes 921
a prison term on the offender for the felony violation, the court 922
may impose upon the offender an additional prison term as follows: 923

(i) Subject to division (J)(2)(a)(ii) of this section, an 924
additional prison term of one, two, three, four, five, or six 925
months; 926

(ii) If the offender previously has been convicted of or 927
pleaded guilty to one or more felony or misdemeanor violations of 928

section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 929
Revised Code and also was convicted of or pleaded guilty to a 930
specification of the type described in section 2941.1421 of the 931
Revised Code regarding one or more of those violations, an 932
additional prison term of one, two, three, four, five, six, seven, 933
eight, nine, ten, eleven, or twelve months. 934

(b) In lieu of imposing an additional prison term under 935
division (J)(2)(a) of this section, the court may directly impose 936
on the offender a sanction that requires the offender to wear a 937
real-time processing, continual tracking electronic monitoring 938
device during the period of time specified by the court. The 939
period of time specified by the court shall equal the duration of 940
an additional prison term that the court could have imposed upon 941
the offender under division (J)(2)(a) of this section. A sanction 942
imposed under this division shall commence on the date specified 943
by the court, provided that the sanction shall not commence until 944
after the offender has served the prison term imposed for the 945
felony violation of section 2907.22, 2907.24, 2907.241, or 2907.25 946
of the Revised Code and any residential sanction imposed for the 947
violation under section 2929.16 of the Revised Code. A sanction 948
imposed under this division shall be considered to be a community 949
control sanction for purposes of section 2929.15 of the Revised 950
Code, and all provisions of the Revised Code that pertain to 951
community control sanctions shall apply to a sanction imposed 952
under this division, except to the extent that they would by their 953
nature be clearly inapplicable. The offender shall pay all costs 954
associated with a sanction imposed under this division, including 955
the cost of the use of the monitoring device. 956

(K) At the time of sentencing, the court may recommend the 957
offender for placement in a program of shock incarceration under 958
section 5120.031 of the Revised Code or for placement in an 959
intensive program prison under section 5120.032 of the Revised 960

Code, disapprove placement of the offender in a program of shock 961
incarceration or an intensive program prison of that nature, or 962
make no recommendation on placement of the offender. In no case 963
shall the department of rehabilitation and correction place the 964
offender in a program or prison of that nature unless the 965
department determines as specified in section 5120.031 or 5120.032 966
of the Revised Code, whichever is applicable, that the offender is 967
eligible for the placement. 968

If the court disapproves placement of the offender in a 969
program or prison of that nature, the department of rehabilitation 970
and correction shall not place the offender in any program of 971
shock incarceration or intensive program prison. 972

If the court recommends placement of the offender in a 973
program of shock incarceration or in an intensive program prison, 974
and if the offender is subsequently placed in the recommended 975
program or prison, the department shall notify the court of the 976
placement and shall include with the notice a brief description of 977
the placement. 978

If the court recommends placement of the offender in a 979
program of shock incarceration or in an intensive program prison 980
and the department does not subsequently place the offender in the 981
recommended program or prison, the department shall send a notice 982
to the court indicating why the offender was not placed in the 983
recommended program or prison. 984

If the court does not make a recommendation under this 985
division with respect to an offender and if the department 986
determines as specified in section 5120.031 or 5120.032 of the 987
Revised Code, whichever is applicable, that the offender is 988
eligible for placement in a program or prison of that nature, the 989
department shall screen the offender and determine if there is an 990
available program of shock incarceration or an intensive program 991
prison for which the offender is suited. If there is an available 992

program of shock incarceration or an intensive program prison for 993
which the offender is suited, the department shall notify the 994
court of the proposed placement of the offender as specified in 995
section 5120.031 or 5120.032 of the Revised Code and shall include 996
with the notice a brief description of the placement. The court 997
shall have ten days from receipt of the notice to disapprove the 998
placement. 999

(L) If a person is convicted of or pleads guilty to 1000
aggravated vehicular homicide in violation of division (A)(1) of 1001
section 2903.06 of the Revised Code and division (B)(2)(c) of that 1002
section applies, the person shall be sentenced pursuant to section 1003
2929.142 of the Revised Code. 1004

Sec. 2929.24. (A) Except as provided in section 2929.22 or 1005
2929.23 of the Revised Code or division (E) or (F) of this section 1006
and unless another term is required or authorized pursuant to law, 1007
if the sentencing court imposing a sentence upon an offender for a 1008
misdemeanor elects or is required to impose a jail term on the 1009
offender pursuant to this chapter, the court shall impose a 1010
definite jail term that shall be one of the following: 1011

(1) For a misdemeanor of the first degree, not more than one 1012
hundred eighty days; 1013

(2) For a misdemeanor of the second degree, not more than 1014
ninety days; 1015

(3) For a misdemeanor of the third degree, not more than 1016
sixty days; 1017

(4) For a misdemeanor of the fourth degree, not more than 1018
thirty days. 1019

(B) A court that sentences an offender to a jail term under 1020
this section may permit the offender to serve the sentence in 1021
intermittent confinement or may authorize a limited release of the 1022

offender as provided in division (B) of section 2929.26 of the Revised Code. 1023
1024

(C) If a court sentences an offender to a jail term under this section and the court assigns the offender to a county jail that has established a county jail industry program pursuant to section 5147.30 of the Revised Code, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the county jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the county jail industry program. 1025
1026
1027
1028
1029
1030
1031
1032
1033

(D) If a person is sentenced to a jail term pursuant to this section, the court may impose as part of the sentence pursuant to section 2929.28 of the Revised Code a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, both of the following apply: 1034
1035
1036
1037
1038
1039
1040
1041

(1) The court shall specify both of the following as part of the sentence: 1042
1043

(a) If the person is presented with an itemized bill pursuant to section 2929.37 of the Revised Code for payment of the costs of confinement, the person is required to pay the bill in accordance with that section. 1044
1045
1046
1047

(b) If the person does not dispute the bill described in division (D)(1)(a) of this section and does not pay the bill by the times specified in section 2929.37 of the Revised Code, the clerk of the court may issue a certificate of judgment against the person as described in that section. 1048
1049
1050
1051
1052

(2) The sentence automatically includes any certificate of 1053

judgment issued as described in division (D)(1)(b) of this 1054
section. 1055

(E) If an offender who is convicted of or pleads guilty to a 1056
violation of division (B) of section 4511.19 of the Revised Code 1057
also is convicted of or also pleads guilty to a specification of 1058
the type described in section 2941.1416 of the Revised Code and if 1059
the court imposes a jail term on the offender for the underlying 1060
offense, the court shall impose upon the offender an additional 1061
definite jail term of not more than six months. The additional 1062
jail term shall not be reduced pursuant to any provision of the 1063
Revised Code. The offender shall serve the additional jail term 1064
consecutively to and prior to the jail term imposed for the 1065
underlying offense and consecutively to any other mandatory term 1066
imposed in relation to the offense. 1067

(F)(1) If an offender is convicted of or pleads guilty to a 1068
misdemeanor violation of section 2907.23, 2907.24, 2907.241, or 1069
2907.25 of the Revised Code and to a specification of the type 1070
described in section 2941.1421 of the Revised Code and if the 1071
court imposes a jail term on the offender for the misdemeanor 1072
violation, the court may impose upon the offender an additional 1073
definite jail term as follows: 1074

(a) Subject to division (F)(1)(b) of this section, an 1075
additional definite jail term of not more than sixty days; 1076

(b) If the offender previously has been convicted of or 1077
pleaded guilty to one or more misdemeanor or felony violations of 1078
section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of the 1079
Revised Code and also was convicted of or pleaded guilty to a 1080
specification of the type described in section 2941.1421 of the 1081
Revised Code regarding one or more of those violations, an 1082
additional definite jail term of not more than one hundred twenty 1083
days. 1084

(2) In lieu of imposing an additional definite jail term 1085
under division (F)(1) of this section, the court may directly 1086
impose on the offender a sanction that requires the offender to 1087
wear a real-time processing, continual tracking electronic 1088
monitoring device during the period of time specified by the 1089
court. The period of time specified by the court shall equal the 1090
duration of an additional jail term that the court could have 1091
imposed upon the offender under division (F)(1) of this section. A 1092
sanction imposed under this division shall commence on the date 1093
specified by the court, provided that the sanction shall not 1094
commence until after the offender has served the jail term imposed 1095
for the misdemeanor violation of section 2907.23, 2907.24, 1096
2907.241, or 2907.25 of the Revised Code and any residential 1097
sanction imposed for the violation under section 2929.26 of the 1098
Revised Code. A sanction imposed under this division shall be 1099
considered to be a community control sanction for purposes of 1100
section 2929.25 of the Revised Code, and all provisions of the 1101
Revised Code that pertain to community control sanctions shall 1102
apply to a sanction imposed under this division, except to the 1103
extent that they would by their nature be clearly inapplicable. 1104
The offender shall pay all costs associated with a sanction 1105
imposed under this division, including the cost of the use of the 1106
monitoring device. 1107

Sec. 2941.1421. (A) Imposition of an additional prison term 1108
of one, two, three, four, five, or six months under division 1109
(J)(2)(a)(i) of section 2929.14 of the Revised Code, an additional 1110
prison term of one, two, three, four, five, six, seven, eight, 1111
nine, ten, eleven, or twelve months under division (J)(2)(a)(ii) 1112
of section 2929.14 of the Revised Code, an additional definite 1113
jail term of not more than sixty days under division (F)(1)(a) of 1114
section 2929.24 of the Revised Code, or an additional definite 1115
jail term of not more than one hundred twenty days under division 1116

(F)(1)(b) of section 2929.24 of the Revised Code is precluded 1117
unless the indictment, count in the indictment, or information 1118
charging a felony violation of section 2907.22, 2907.24, 2907.241, 1119
or 2907.25 of the Revised Code or a misdemeanor violation of 1120
section 2907.23, 2907.24, 2907.241, or 2907.25 of the Revised 1121
Code, whichever is applicable, specifies that the violation was 1122
committed in proximity to a school. The specification shall be 1123
stated at the end of the body of the indictment, count, or 1124
information and shall be in substantially the following form: 1125

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 1126
Grand Jurors (or insert the person's or the prosecuting attorney's 1127
name when appropriate) further find and specify that (set forth 1128
that the specified offense was committed in proximity to a 1129
school). 1130

(B) As used in this section, "committed in proximity to a 1131
school" has the same meaning as in section 2929.01 of the Revised 1132
Code. 1133

Section 2. That existing sections 2929.01, 2929.14, and 1134
2929.24 of the Revised Code are hereby repealed. 1135